

REMARKS

Claims 1 to 13 are present in the subject application and are subject to the following restriction.

- I. Claims 1 to 7 drawn to products of formula (I);
- II. Claims 9 to 11 drawn to methods of use of products of formula (I); and
- III. Claims 8, 12 and 13 drawn to compositions containing products of formula (I) plus additional therapeutic agents.

The Examiner also requires that Applicants elect a single compound.

It is respectfully submitted that the Group I claims should include Claims 12 and 13 since these claims are directed to a pharmaceutical composition which need not include an additional therapeutic agent. Accordingly, Claims 12 and 13 should be grouped with Claims 1 to 7.

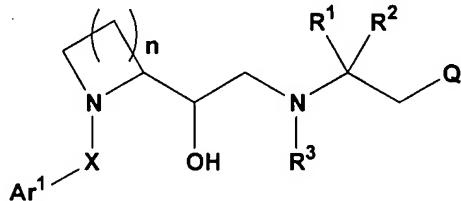
In addition, it is submitted that the requirement that Applicants elect a single compound is improper.

The Examiner points out that

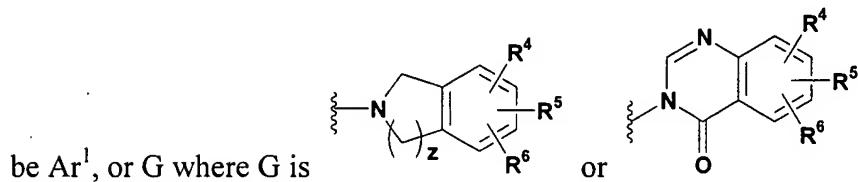
“restriction of a Markush is proper where the compounds within the group either (1) do not share a common utility, or (2) do not share a substantial structural feature disclosed as being essential to that utility.”

In fact, the compounds of formula (I) as defined in Claim 1 share a common utility as set out in the Specification at page 27, starting at line 12.

In addition, the compounds of Claim 1 also share a substantial structural feature, namely



In essence, it is only the Q group which may vary in the compounds of the invention in that Q may

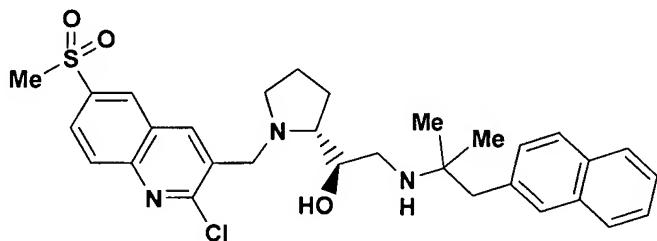


It is submitted that the request for election of a single species should be withdrawn.

In order to comply with the rules,

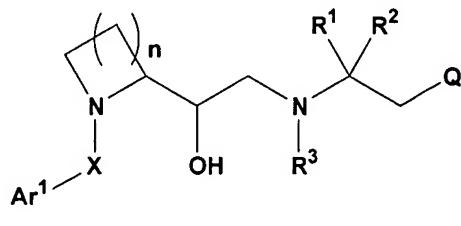
Applicants hereby elect, with traverse, Group I Claims 1 to 7 drawn to compounds of formula I.

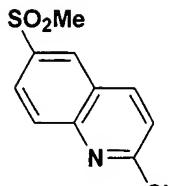
Applicants further elect, with traverse, as a single compound the Example 181 compound, namely,



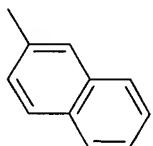
(also set out in Claim 5, page 119, third compound).

The elected compound is within the genus of the formula I compound as defined in Claim 1 as seen below



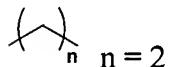


$\text{Ar}^1$  = substituted heteroaryl which is



$Q$  is aryl which is

$X$  = alkylene which is  $\text{CH}_2$



$R^3$  is H

$R^1$  and  $R^2$  each is unsubstituted alkyl which is  $\text{CH}_3$ .

It is believed that the subject application is in good form for examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Burton Rodney".

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